

OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

Earnest Dumas
1408 Westboro Drive
Atlanta, GA 30310

April 22, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

04-R-0565

Dear Mr. Dumas:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on April 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

RCS# 5585
4/19/04
3:03 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-18, EXCEPT:04-R-0538
 04-O-0487 04-R-0473
 ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0739

Date: March 9, 2004

Claimant /Victim EARNEST DUMAS
BY: (Atty)(Ins. Co.) _____
Address: 1408 Westboro Drive, Atlanta, Georgia 30310
Subrogation: _____ Claim for Property damage \$ 15.00 Bodily Injury \$ _____
Date of Notice: 10/14/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/23/02 Place: 1408 Westboro Drive
Department Watershed Management Bureau: Storm Water Compliance
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was damaged due to flooding on the above date. The investigation determined that the City had no notice of any problems with the storm sewers prior to the date of the claimant's incident. Furthermore, it was determined that the flooding was due to a rain event, for which the City is not liable pursuant to O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager:  Concur/date 03/17/04
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

James Mitchell
10/17/02
DM

Today's Date: 10-15-2002

ENTERED - 10-18-02 - SB
02L0739 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 15-00 property and/or ~~PROPERTY~~ bodily injury for which I contend the City is liable.

1. Date of incident: 9-23-2002 2. Time of Incident: 9:00 3. Police called: NO
(month/day/year) Yes No

4. Location of incident (including street address): ~~TRAVELERS~~ SOUTH-WEST-1408-WEST-BORO DR,

5. Name of your insurance company: ~~INSURANCE~~ TRAVELERS Policy No. 921-294766

6. State what and how incident occurred: WATER-CAME, BASEMENT
AND FLOOD BASEMENT, AND-CAME, UP STAIR
ABOUT FOUR STEPS IN THE BASEMENT
IT CAME FROM THE ST DOWN IN YARD

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

EARNEST-DUMAS
Signature of Claimant

EARNEST-DUMAS
(Print Claimant's Name)

1408-WEST-BORO-DR
(Address)

ATLANTA GA 30310
(City, State and Zip Code)

404, 758-1024
(Work Number) (Home Number)

04-R -0565


Entered - 10/18/02 - sb
CL02L0739 - DIANNE C. MITCHELL

CLAIM OF: **EARNEST DUMAS**
1408 Westboro Drive
Atlanta, Georgia 30310

04-*p*-0565

For damages alleged to have been sustained as a result of flooding on
September 23, 2002 at 1408 Westboro Drive.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ADVERSED

APR 19 2004

COUNCIL PRESIDENT PROTEM

APR 19 2004

CERTIFIED

Renee DeLoach Johnson
MUNICIPAL CLERK

APR 19 2004

CERTIFIED